

**224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-46491-2018

Date of decision: December 04, 2018

Amit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. P.B.S. Goraya, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(ORAL)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to petitioner-Amit in case FIR No.477 dated 25.07.2017 registered for the offences punishable under Sections 302, 34, 120-B of Indian Penal Code, 1860 (for short, "IPC") and Section 25 of Arms Act, 1959 at Police Station Badshahpur, District Gurugram.

It has been submitted that the name of the petitioner is not mentioned in the FIR. He has been arraigned only on the basis of statement of co-accused that he was doing Recce of the deceased and was involved with the co-accused Deepak but no independent witness has been collected during investigation to establish this fact. No call details has been recovered.

Without expressing any opinion on merits of the case and the fact that conclusion of trial will take considerably long time, no useful purpose would be served by detaining the petitioner behind the bars, therefore, the present petition is allowed. Petitioner is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction

of trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the court.

(RAJ SHEKHAR ATTRI)
JUDGE

December 04, 2018
m. sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No